

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7163

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ERIC LEE JENSEN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Cameron McGowan Currie, District Judge. (CR-98-1118)

Submitted: November 18, 2004

Decided: November 29, 2004

Before LUTTIG and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Eric Lee Jensen, Appellant Pro Se. Stacey Denise Haynes, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Eric Lee Jensen seeks to appeal his conviction and sentence following his guilty plea to conspiring to possess with the intent to distribute and to distribute cocaine. See 21 U.S.C. § 846 (2000). We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

In criminal cases, the defendant is accorded ten days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(b)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(b)(4). This appeal period is "mandatory and jurisdictional." United States v. Raynor, 939 F.2d 191, 197 (4th Cir. 1991).

The district court's Amended Judgment and Commitment Order was entered on its docket on August 9, 2000. Jensen filed his notice of appeal on July 13, 2004. Because Jensen failed to file a timely notice of appeal, we lack jurisdiction to review the district court's order. Accordingly, we deny Jensen's motion for transcripts at government expense and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED